

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: **Allan et al.**

Serial No.: **09/583,958**

Filed: **May 31, 2000**

For: **Method and System for Dynamic  
Update of an Application Monitoring Agent  
Using a Non-Polling Mechanism**

§ Group Art Unit: **2154**  
§  
§ Examiner: **Nguyen, Dustin**  
§  
§ Attorney Docket No.: **AUS920000254US1**  
§

35525

PATENT TRADEMARK OFFICE  
CUSTOMER NUMBER

Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

**DECLARATION UNDER 37 C.F.R. § 1.132**

Sir:

No fees are believed to be required to file this Declaration. If, however, any fees are required, I authorize the Commissioner to charge these fees which may be required to IBM Corporation Deposit Account No. 09-0447.

In the Renewed Petition to Revive, please consider the following declaration.

**DECLARATION UNDER 37 C.F.R. § 1.132**

In support of the Renewed Petition to Revive in patent application number 09/583,958, I hereby declare the following:

- 1) I am of legal age and employed by International Business Machines Corporation (the "Assignee"), in which capacity I personally oversee Office Actions on behalf of the IBM Corporation requiring Responses to be filed on behalf of the IBM Corporation.
- 2) On the mailing date of the Final Office Action in question, November 30, 2004, I was employed full time by the Assignee and have no record of receipt of said Final Office Action because the correspondence address was that of the outside counsel.
- 3) IBM was unaware that the outside counsel handling this case was not attending to the matter. The customer number used by the outside counsel in question did not list us and we were unable to monitor activity in PAIR.
- 4) Upon learning of this situation, we immediately prepared a Customer Number Upload Spreadsheet to change the cases under control of outside counsel to our customer number, which was then submitted to the Patent Office on August 23, 2006, in which Serial No. 09/583,958 was included in this change.
- 5) On October 24, 2006, we filed an Appeal Brief and a Petition to Revive.

I understand that willful false statements and the like are punishable by fine or imprisonment, or both (18 U.S.C. 1001) and may jeopardize the validity of the application or any patent issuing thereon. All statements made in this declaration of my own knowledge are true and all statements made on information and belief are believed to be true.

DATE: 3-5-08



Martha Acosta